

HOUSE BILL 674

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Brian K. Moore

AN ACT

RELATING TO CONSTRUCTION LICENSING; ALLOWING COUNTIES AND MUNICIPALITIES TO HIRE OR CONTRACT WITH INSPECTORS; REVISING QUALIFICATIONS OF MUNICIPAL AND COUNTY INSPECTORS; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13-8 NMSA 1978 (being Laws 1967, Chapter 199, Section 12, as amended) is amended to read:

"60-13-8. DIVISION--EMPLOYEES--EQUIPMENT AND SUPPLIES.--

A. The division shall employ or contract with personnel, procure equipment and supplies and assemble records as necessary to carry out the provisions of the Construction Industries Licensing Act.

B. Any person employed or placed under contract by the division or by any county or municipality for the purpose

.152497.3

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 of carrying out the provisions of the Construction Industries
2 Licensing Act and who holds any contractor's license or
3 certificate of competence issued by the division shall, as a
4 condition of employment, surrender the contractor's license or
5 certificate of competence to the division to be held in
6 inactive status. The division shall place the license or
7 certificate on hold effective from the date the employment or
8 contract begins until the date the employment or contract
9 terminates. The license or certificate shall remain in effect
10 after the hold period for the same number of days as it would
11 have remained in effect but for the hold."

12 Section 2. Section 60-13-41 NMSA 1978 (being Laws 1967,
13 Chapter 199, Section 49, as amended) is amended to read:

14 "60-13-41. INSPECTORS--DESIGNATED INSPECTION
15 AGENCIES.--

16 A. State inspectors shall be employed or contracted
17 with by the director.

18 B. Qualifications and job descriptions for
19 inspectors for the state, municipalities and all other
20 political subdivisions shall be prescribed by the commission.

21 C. The division may appoint inspection agencies to
22 inspect the construction, installation, alteration or repair of
23 manufactured commercial units, modular homes and
24 premanufactured homes, including those manufacturers whose
25 business premises are without the state, to ensure that the New

.152497.3

underscoring material = new
[bracketed material] = delete

1 Mexico standards of construction and installation are adhered
2 to and that the quality of construction meets all New Mexico
3 codes and standards. If the inspection agency has no place of
4 business within the state, it shall file a written statement
5 with the secretary of state setting forth its name and business
6 address and designating the secretary of state as its agent for
7 the service of process.

8 D. The division may enter into reciprocal
9 agreements with other jurisdictions having comparable codes,
10 standards and inspection requirements for the inspection of the
11 construction, alteration or repair of modular homes,
12 premanufactured homes and manufactured commercial units.

13 E. The division may, with the approval of the
14 commission, establish qualifications for inspectors certified
15 to inspect in more than one bureau's jurisdiction."

16 Section 3. Section 60-13-42 NMSA 1978 (being Laws 1967,
17 Chapter 199, Section 50, as amended) is amended to read:

18 "60-13-42. AUTHORITY OF INSPECTORS--LIMITATION.--

19 A. A state certified inspector may, during
20 reasonable hours, enter any building or go upon any premises in
21 the discharge of ~~[his]~~ the inspector's official duties for the
22 purpose of making an inspection of work performed or for the
23 purpose of testing any installation authorized within the
24 jurisdiction of ~~[his]~~ the inspector's trade certification.

25 ~~[He]~~ The inspector may cut or disconnect, or have cut or

.152497.3

underscoring material = new
[bracketed material] = delete

1 disconnected in cases of emergency, any installation or device
2 when necessary for safety to life or property or where the
3 installation may interfere with the work of a fire department.

4 B. The inspector may disconnect or order the
5 discontinuance of any service to any installation, device,
6 appliance or equipment found to be dangerous to life or
7 property because it is defective or is incorrectly installed,
8 until the installation, device, appliance or equipment is made
9 safe and is approved by the inspector.

10 C. The inspector may order the correction of any
11 defects or any incorrect installation [~~which~~] that prompted the
12 disconnection and discontinuance of service.

13 D. In all cases where disconnection is made, a
14 notice shall be attached by the inspector to the installation,
15 device, appliance or equipment disconnected, which notice shall
16 state that the same has been disconnected by or on order of the
17 inspector and the reason for the disconnection. It is unlawful
18 for any person to remove the notice or to use the installation,
19 device, appliance or equipment without authorization of an
20 inspector.

21 E. The powers granted by this section to any
22 municipal inspector may be exercised [~~by him~~] only in the
23 localities where [~~he~~] the municipal inspector is authorized to
24 make inspection.

25 F. Nothing in the Construction Industries Licensing

.152497.3

underscoring material = new
[bracketed material] = delete

1 Act shall be construed to limit the ability of a certified
2 municipal or county inspector to contract with a municipality
3 or county to perform inspections.

4 [F-] G. The division shall by regulation adopt
5 official inspection stickers or medallions for the purpose of
6 identifying those modular homes and premanufactured homes
7 [which] that have been inspected and found to comply with all
8 requirements of the state codes and standards. State
9 inspection and acceptance for use of modular homes and
10 premanufactured homes shall exclusively apply to the use and
11 occupancy of such dwellings in the state and in any of its
12 political subdivisions, subject to the requirements of local
13 planning and zoning ordinances and ordinances requiring permits
14 and inspections for foundations, electrical and mechanical
15 hookups or other safety or sanitary requirements."

16 Section 4. Section 60-13-43 NMSA 1978 (being Laws 1967,
17 Chapter 199, Section 51, as amended) is amended to read:

18 "60-13-43. QUALIFICATION OF MUNICIPAL AND COUNTY
19 INSPECTORS.--

20 A. [Nø] A person shall not be employed or
21 contracted with by any municipality or county as an inspector
22 unless [he] the person holds a national certification for the
23 type of inspection services to be performed, or has first
24 secured approval from the division of [his] the person's
25 competence as an inspector. An inspector who holds a current

underscored material = new
[bracketed material] = delete

1 national inspection certification shall be considered as being
2 competent for the type of inspections for which the inspector
3 has been certified, and such certification shall be considered
4 as being the equivalent of any experience required.

5 B. A person holding a certification in one or more
6 specialties from a national certifying organization recognized
7 by the division shall be permitted to inspect in any one or all
8 of those specialties as long as the inspector remains certified
9 by such certifying organization.

10 [~~B.~~] C. Trade bureaus shall issue to all approved
11 municipal and county inspectors a certificate setting forth the
12 fact of approval. An inspector shall have a current national
13 certification at all times and a copy of the current
14 certification shall be on file with the trade bureau chief.

15 [~~C.~~] D. Certification by the division shall remain
16 in effect unless rescinded by action of the commission.

17 [~~D.~~] E. Any complaint brought against a certified
18 municipal or county inspector shall cause the director to
19 assign an investigator to investigate the merits of the
20 complaint and report to the commission within thirty days.

21 F. A municipality or county may contract with a
22 certified municipal or county inspector if:

23 (1) it receives an affidavit verifying the
24 authenticity of the contractual relationship; and

25 (2) a supervising building official is

underscored material = new
[bracketed material] = delete

1 responsible for the code determinations made by the contracting
2 inspector."

3 - 7 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25